



Hearing Date: May 12, 2016
CONSENT

TO: Placer County Planning Commission
FROM: John Weber, Department of Public Works and Facility Services
DATE: April 13, 2016
**SUBJECT: ABANDONMENT OF A PORTION OF BAY STREET ADJACENT TO RIVERA
PROPERTY – CARNELIAN BAY
CATEGORICAL EXEMPTION
SUPERVISORIAL DISTRICT 5 (Montgomery)**

COMMUNITY PLAN: Carnelian Bay Community Plan

ZONING: PAS - 017 Carnelian Bay Tourist

STAFF: John Weber, Right-of-Way Agent

ASSESSOR PARCEL NUMBER: 115-030-035-000

LOCATION: The subject property is located at 5230 North Lake Boulevard in the Carnelian Bay area.

APPLICANT: Lou Basile on behalf of property owners Ronald E. Rivera and Stephanie Tamayo-Rivera

PROPOSAL:

The applicant and property owners of the property located at 5230 North Lake Boulevard are requesting the determination that the abandonment of a portion of the Bay Street easement is consistent with the Carnelian Bay Community Plan.

CEQA COMPLIANCE:

The Bay Street easement abandonment is categorically exempt from the provisions of CEQA per Section 18.08.020 – Exemption, General Rule, that it can be seen with certainty that there is no possibility of a significant effect on the environment, of the Placer County Environmental Review Ordinance (CEQA Guidelines Section 15061(b)(3)).

PROJECT DESCRIPTION:

The property owners request that the County abandon a portion of the Bay Street easement to accommodate existing building encroachments into the Bay Street easement and for the possibility of unspecified "future projects" that would encroach into the easement. The Planning

Commission is being asked to make the finding that the abandonment is consistent with the Goals, Policies and Objectives of the Carnelian Bay Community Plan.

BACKGROUND:

The applicant requested that Placer County abandon 1,081 square feet of an unimproved public road easement identified as Bay Street on the Map of Carnelian Bay on Lake Tahoe, filed for record in 1908 in Book C of Maps at Page 14. (Attachment A) As demonstrated in Exhibit B of Attachment B, the portion of the easement to be abandoned is located to the south of the residential parcel.

In accordance with County Code Section 2.116.040, the "applicants shall pay the fair market value of the property proposed to be abandoned." An appraisal was prepared by the applicant and an appraisal was prepared by the County. The Department of Public Works (DPW) rejected the appraisal prepared by the applicant and the DPW and the applicants have been unable to reach an agreement on the "fair market value" of the easement rights. Therefore, the applicants elected to appeal the rejection of their appraisal and have requested a hearing before the Board of Supervisors. However, prior to a hearing before the Board of Supervisors, the applicants shall demonstrate compliance with Government Code Section 65402(a) which requires that the abandonment be first considered by the Planning Commission to make the finding that the abandonment is consistent with the Goals, Policies and Objectives of the Carnelian Bay Community Plan.

SITE CHARACTERISTICS:

Subject site is 0.39 acres, generally sloping from Highway 28 to the shore of Lake Tahoe, enjoys approximately 75 feet of lake frontage, and is improved with a single family residence.

EXISTING LAND USE AND ZONING:

	LAND USE	ZONING
SITE	Residential	PAS - 017 Carnelian Bay Tourist
NORTH	State Highway 28	N/A
SOUTH	Lake Tahoe	N/A
EAST	Residential	PAS - 017 Carnelian Bay Tourist
WEST	Park	PAS - 017 Carnelian Bay Tourist

DISCUSSION/ANALYSIS:

Community Plan/Zoning Consistency

The subject property is currently developed with a single family residence. The subject property is located in the Carnelian Bay Community Plan area and is within Plan Area Statement (PAS) – 017, Carnelian Bay Tourist. The requested easement abandonment is consistent with the Transportation Objectives and Policies of the Carnelian Bay Community Plan and the PAS 017 in that the abandonment of a portion of the Bay Street easement will not interrupt or interfere with the transportation system of the Carnelian Bay area. Specifically, the abandonment will not disrupt the existing transportation system nor transportation improvements of the Carnelian Bay Community Plan and Carnelian Bay area in that those improvements can still be implemented and maintained. This determination is further supported by the adopted Transportation Improvement exhibit (Attachment C) of this staff report.

RECOMMENDATION:

Staff recommends the Planning Commission determine that the project is Categorically Exempt from CEQA per Section 18.08.020 D of the Placer County Environmental Review Ordinance

(Section 15061 (b)(3) of the CEQA Guidelines). Further, it is recommended that the Planning Commission determine that the portion of the abandonment of the Bay Street easement is consistent with the Carnelian Bay Community Plan.

FINDINGS:

Approval or conditional approval of the Bay Street easement abandonment requests may be granted only when the Planning Commission first determines that the Bay Street Easement Abandonment satisfies the criteria set forth in California Government Code Section 65402(a), by finding that:

CEQA:

1. This project is categorically exempt from the provisions of CEQA per Section 18.08.020(D) Exemptions, General Rule, of the Placer County Environmental Review Ordinance, October 4, 2001. Section 18.08.020 D General Rule where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, therefore the activity is not subject to environmental review. The project will not create a significant impact to the surrounding properties, structures, or public.

Carnelian Bay Community Plan Consistency:

1. The easement abandonment of Bay Street is consistent with the Carnelian Bay Community Plan and the PAS 017 Carnelian Bay Tourist Plan Area Statement in that portion of Bay Street easement to be abandoned will not be inconsistent with the Transportation objections and policies of the Carnelian Bay Community Plan nor interfere or disrupt the existing transportation system nor transportation improvements of the Carnelian Bay Community Plan and Carnelian Bay area in that those improvements can still be implemented and maintained.

Respectfully submitted,



John Weber
Placer County Right-of-Way Agent

ATTACHMENTS:

Attachment A - Vicinity Map
Attachment B – Description of Abandonment and Site Plan
Attachment C – Carnelian Bay Community Plan Transportation Improvements Exhibit

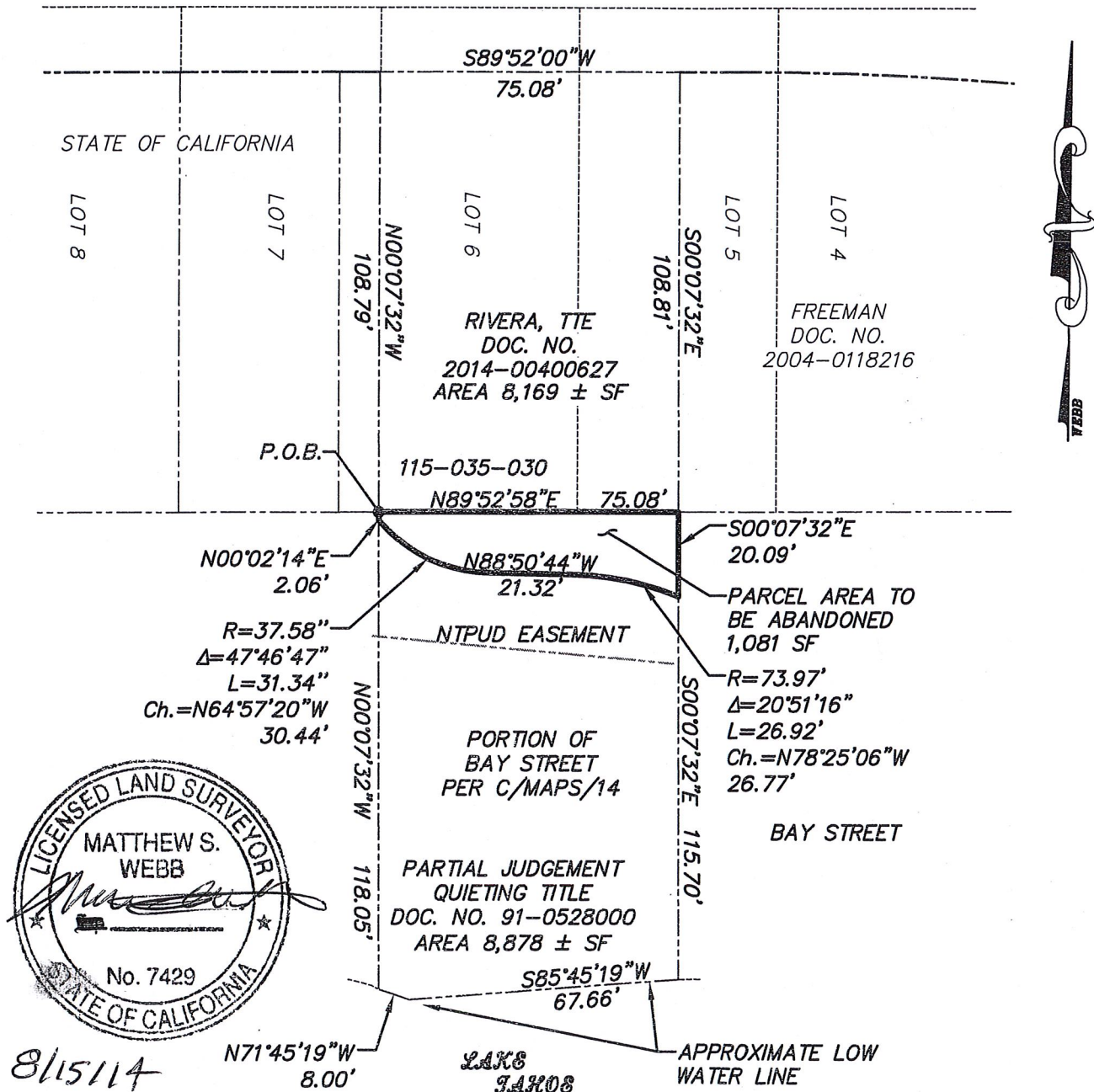
cc: Applicant
Rick Eiri - Engineering and Surveying Division
Environmental Health Services
Air Pollution Control District
Andy Fisher - Parks Department
Gerry Cardin - County Counsel
Karin Schwab – County Counsel
Michael Johnson - CDRA Director
EJ Ivaldi – Deputy Director
Andy Heath – CEO Office
Subject/chrono files

EXHIBIT 'B'

RIGHT OF WAY ABANDONMENT EXHIBIT

A PORTION OF BAY ST. AS SHOWN ON CARNELIAN BAY
 SUB. BOOK C OF MAPS, AT PAGE 14, PLACER COUNTY OFFICIAL RECORDS
 SECTION 22, TOWNSHIP 16 NORTH, RANGE 17 EAST, M.D.B. & M.
 COUNTY OF PLACER
 CALIFORNIA
 SCALE: 1" = 40' AUGUST, 2014

STATE HIGHWAY NO. 28



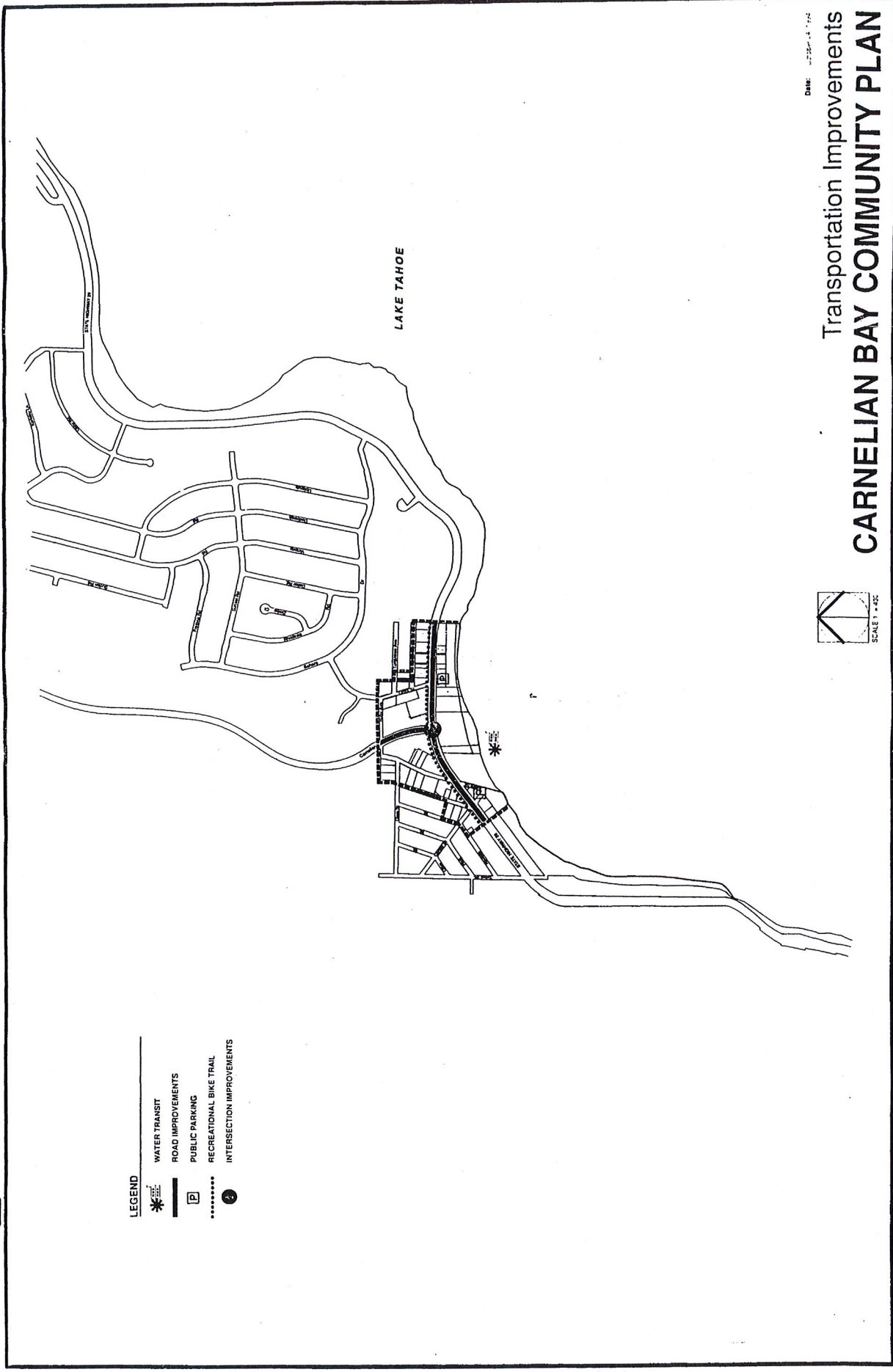
WLS
 WEBB LAND SURVEYING, INC.

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 Tahoe City, CA 96145
 P.O. Box 1222
 Carnelian Bay, CA 96140
 (530) 581-2599
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EXHIBIT TO ACCOMPANY
 LEGAL DESCRIPTION

PREPARED FOR:
 RIVERA, TTE
 APN: 115-030-035 1654.00
 165400ex-mbla.DWG

ATTACHMENT B



Date: 11/15/11
 Transportation Improvements
CARNELIAN BAY COMMUNITY PLAN

FIGURE 4